

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AUTHORS GUILD, et al.

Plaintiffs,

v.

OPEN AI INC., et al.,

Defendants.

ECF CASE

No. 1:23cv-08292-SHS-OTW

No. 1:23-cv-10211-SHS-OTW

JONATHAN ALTER, et al.

Plaintiffs,

v.

OPEN AI INC., et al.,

Defendants

DECLARATION OF LUCKY VIDMAR IN SUPPORT OF MOTION TO SEAL

I, Lucky Vidmar, hereby declare as follows:

1. I have personal knowledge of the facts stated in this declaration and, if called upon as a witness, I would and could competently testify thereto. I submit this declaration in support of the parties' joint motion to seal.

2. I am Associate General Counsel and I lead Microsoft's IP and AI litigation team. I have been at Microsoft since June 2020. In this role, I am responsible for the overall conduct of discovery and factual investigation for this case. I am also part of a team at Microsoft that provides legal guidance to the business on the development of our generative AI tools in connection with managing litigation and regulatory risk.

3. Microsoft's response to Plaintiffs' letter motion regarding the data working group and its Exhibit B thereto contain nonpublic, confidential information about the terms of Microsoft's agreement with OAI and information about ongoing workstreams between Microsoft and OpenAI. This information is highly sensitive to Microsoft and Microsoft only shares the information revealed in these documents on a need-to-know basis whether internally or externally with proper non-disclosure protections in place. Disclosure of such information, including descriptions of these documents in Microsoft's response, to the public would be harmful to Microsoft because they reflect highly sensitive and confidential business strategy and decision-making that, if disclosed, could harm Microsoft's competitive advantage and its business relationships.

4. As discussed in my prior declaration filed at Dkt. 258-1, Exhibits 1 and 3 to Plaintiffs' letter motion contain nonpublic, confidential information about the terms of Microsoft's agreement with OAI and information about ongoing workstreams between Microsoft and OpenAI. This information is highly sensitive to Microsoft and Microsoft only shares the information revealed in these documents on a need-to-know basis whether internally or externally with proper non-disclosure protections in place. Disclosure of such information, including descriptions of these documents in Microsoft's response, to the public would be harmful to Microsoft because they reflect highly sensitive and confidential business strategy and decision-making that, if disclosed, could harm Microsoft's competitive advantage and its business relationships.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on November 22, 2024 in Washington, DC.

A handwritten signature in black ink, appearing to read "Lucky Vidmar". The signature is fluid and cursive, with the first name "Lucky" and last name "Vidmar" clearly distinguishable.

Lucky Vidmar